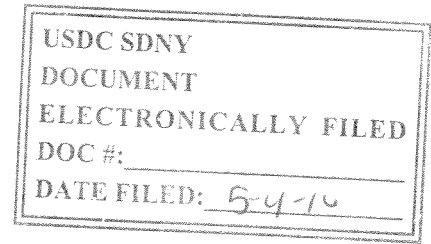


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
DENISE JAFFE and DANIEL ADLER, in their :
capacity as co-executors of Milton Adler's estate, :
on behalf of themselves and all others similarly :
situated, :

Plaintiffs, :

v. :

BANK OF AMERICA, N.A., :

Defendant. :

-----X
DEREK WHITTENBURG and JACQUELINE :
WHITTENBURG, on behalf of themselves and all :
others similarly situated, :

Plaintiffs, :

v. :

BANK OF AMERICA, N.A., :

Defendant. :

-----X

ORDER

13 CV 4866 (VB)

14 CV 947 (VB)

Having considered the parties' arguments in their joint letter dated May 3, 2016 (Doc. #92), and the fact that all parties wish for proceedings not to be stayed pending the Supreme Court's decision in Spokeo, Inc. v. Robins, No. 13-1339, the Court declines to stay all proceedings at this time.

The Supreme Court's 2015-2016 term ends on June 30, 2016, three weeks in advance of the July 20, 2016, fairness hearing scheduled in this case. If Spokeo is decided before the end of the term, the Court will have time to assess whether the Supreme Court's decision affects the Court's subject matter jurisdiction in any way. If Spokeo has not been decided, the Court will re-evaluate whether a stay is warranted.

Accordingly, it is hereby ORDERED:

1. If Spokeo is decided on or before June 30, 2016, the parties shall each submit a letter, not to exceed three pages, setting forth their respective positions on Spokeo's impact on the Court's subject matter jurisdiction. The letters should be submitted no later than seven days after Spokeo is decided.
2. If Spokeo is not decided by June 30, 2016, then by July 7, 2016, defendant shall either:
(i) move by letter motion for a stay; or (ii) write a letter to the Court indicating it does not intend to do so.

Dated: May 4, 2016

White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge